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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,209	02/29/2000	Terry Allen-Rouman	00617425	1082
7590	06/16/2005			EXAMINER
Darin J Gibby Townsend and Townsend and Crew LLP Two Embarcadero Center 8th Floor San Francisco, CA 94111				BASHORE, ALAIN L
			ART UNIT	PAPER NUMBER
			1762	
			DATE MAILED: 06/16/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/516,209	ROUMAN ET AL.	
	Examiner	Art Unit	
	Alain L. Bashore	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 14-18,24-27,29-33,35-37 and 39-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 14-18,24-27,29-33,35-37 and 39-46 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the appeal filed on 3-25-04 and the incorrect mismatching of previous papers, a completely re-issued office action is made. PROSECUTION IS HEREBY REOPENED. A correctly re-issued action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14, 29, 35, and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, 38 there is recited an incomplete conditional statement that is vague and indefinite. The claim only recites if purchaser information is validated, not the condition when no validation occurs.

In claim 29, 35 there is recited an incomplete conditional statement that is vague and indefinite. The claim only recites if checking the validation information is successful, not when it is unsuccessful.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-18, 24-27, 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al.

Doggett et al discloses a method for facilitating an electronic purchase as the transferring funds from a payor to a payee (fig 3). Purchase information from a payee and purchaser information from a payor are both received as payment information (66) from a funds transfer system (80). When the payment information is validated, the payee is notified (130) and funds are transferred. The purchase information includes a

purchase price (120), and the purchaser information includes an identification of a purchaser account (122). When the purchaser information is validated a digital IOU is electronically sent to the payee (74). The digital IOU includes the purchase price (fig 6) and can be redeemed (col 8, lines 40-46). Digital signatures are compared (col 12, lines 21-32). Payment info is validated at the fund's transfer system (col 8, lines 36-37)

Doggett et al discloses a funds transfer system separate from the payee system (fig 3). The transfer of funds is from a user account to a vendor account where at least one of the accounts is a bank account or a credit card account (col 1, lines 6-16). A first and second connection is made between a payee and payor system (fig 3). Means for paying may be an ACH (80). The means for receiving purchase information and means for receiving payment information may be a FTP over a network (col 10, line 27).

Doggett et al does not disclose:

when the purchaser information is not validated, a message is sent to the purchaser and the purchaser is added to a database the payee as a vendor.

Kolling et al discloses a payee as a vendor (col 24, line 53). Kolling et al also discloses when the purchaser information is not validated (figure 7), a message is sent to the purchaser (46) and the purchaser is added to a database.

It would have been obvious to one with ordinary skill in the art to include a message is sent to the purchaser when the purchaser information is not validated and the purchaser is added to a database to Doggett et al because Kolling et al teaches such messages for non-sufficient funds notification (col 4, line 52).

It would have been obvious to one with ordinary skill in the art to include the payee as a vendor because Kolling et al teaches equivalence (col 24, lines 53).

6. Claims 29-33, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al as applied to claims 14-18, 24-27, 39-44 above, and in further view of Rowney et al.

Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al in further view of Rowney et al.

Doggett et al in view of Kolling et al does not explicitly disclose a method as being part of the check-out of the user with a vendor system.

Rowney et al discloses check-out of the user with a vendor system (col 11, lines 56-67; col 12, lines 1-24) and comparing digital signatures (col 15, lines 65-67; col 16, lines 1-23).

It would have obvious to one with ordinary skill in the art to modify Doggett et al in view of Kolling et al to include confirming the digital IOU by comparing a digital signature since Rowney et teaches comparing digital signatures for security purposes (col 1, lines 30-36).

It would have obvious to one with ordinary skill in the art to modify Kolling et al in view of Rose et al in view of Nielsen to include as part of the check-out of the user with a vendor system since Rowney et al teaches importance of assessing transaction risk (col 12, lines 5-6).

7. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al as applied to claims 14-18, 24-27, 39-44 above, and further in view of Walker et al.

Doggett et al in view of Kolling et al in view does not disclose funds in the form of gift certificates.

Walker et al discloses gift certificates (col 3, lines 33-67).

It would have been obvious to one with ordinary skill in the art to include funds in the form of gift certificates to Kolling et al in view of Rose et al because Walker et teaches advantages of gift certificates (col 1, lines 44-67; col 2, lines 1-33).

8. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al et al in view of Kolling et al in further view of Rowney et al as applied to claims 29-37 above, and further in view of Krishan et al.

Kolling et al in view of Rose et al in further view of Rowney et al does not disclose the requesting step causing a pop-up window to be opened.

Krishan et al discloses a requesting step causing a pop-up window to be opened (col 20, lines 1-7).

It would have been obvious to one with ordinary skill in the art to a requesting step causing a pop-up window to be opened to Kolling et al in view of Rowney et al because Krishan et al teaches pop-up windows function as attention providers (col 2, lines 40-42).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Regarding all Class 705 applications, the management contact regarding examination is: Vincent Millin (SPE, art unit 3624) at 571-272-6747.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alain L. Bashore
Primary Examiner
Art Unit 1762